

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBERT M. SMITH,

Plaintiff,

v.

JACQUELINE LASHBROOK, et al.,

Defendants.

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Case No. 18-cv-1692-RJD

ORDER

DALY, Magistrate Judge:

Plaintiff Robert M. Smith filed this action pursuant to 42 U.S.C. § 1983 alleging his constitutional rights were violated while he was incarcerated at Menard Correctional Center. Defendants filed a motion for summary judgment on the issue of exhaustion of administrative remedies on April 26, 2019 (Doc. 40). The undersigned filed a Report and Recommendation on October 8, 2019, recommending Defendants' motion be granted (Doc. 43). The deadline for Plaintiff to object to the Report and Recommendation was October 25, 2019. No objection has been filed.

On December 11, 2019, with the Report and Recommendation pending, all parties consented to have a Magistrate Judge conduct all proceedings in this case. The case was referred to the undersigned in accordance with 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73. Because there were no objections to the Report and Recommendation, a *de novo* review is not required. 28 U.S.C. § 636(b)(1)(C); *see also Thomas v. Arn*, 474 U.S. 140 (1985). Instead, the Court should review the Report and Recommendation for clear error. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). The undersigned has reviewed the Report and

Recommendation and finds no clear error. Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 43) is **ADOPTED** as the opinion of the Court. Defendants' Motion for Summary Judgment on the Issue of Exhaustion of Administrative Remedies (Doc. 40) is **GRANTED**. This action is **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

DATED: December 16, 2019

s/ *Reona J. Daly*
Hon. Reona J. Daly
United States Magistrate Judge